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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91226264
Party	Defendant Zhang Qiyun
Correspondence Address	SHI LIANLIAN RM 606 NO 1 CHANGDI TORCH BUILDING, NO 259 WENSAN ROAD HANGZHOU ZHEJIANG, CHINA daisywzmark@gmail.com
Submission	Answer
Filer's Name	Matthew Saunders
Filer's e-mail	trademarks@massiplaw.com, msaunders@massiplaw.com
Signature	/matthew saunders/
Date	03/21/2016
Attachments	20160321 Zhang Qiyun answer - 264 opp.pdf(125594 bytes )

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via ESTTA on date shown below to the United States Patent and Trademark Office.

/s/ Matthew Saunders  
Matthew Saunders

Date: March 21, 2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IceBay International, LLC,

Opposer,

v.

Zhang Qiyun,

Applicant.

Opposition No. 91226264

Mark: QIYUN.Z

**ANSWER**

Applicant Zhang Qiyun (“Applicant”), by its counsel, hereby answers the Notice of Opposition (“Notice”) of IceBay International, LLC (“IceBay”) as follows:

**ANSWER**

In response to the first unnumbered paragraph of the Notice, Applicant denies that IceBay will be damaged by the registration of the trademark shown in U.S. Ser. No. 86/655783.

1. Applicant admits that it is the owner of Application Ser. No. 86/655783 for the mark QIYUN.Z for “Bracelets; Brooches; Charms; Costume jewelry; Cuff links; Cuff-links; Earrings; Jewelry; Jewelry cases; Jewelry chains; Jewelry ornaments; Necklaces; Ornamental pins; Paste jewelry; Pearls; Precious stones; Rings; Tie clips; Tie pins” in Class 14.

2. Applicant admits the allegations contained in paragraph 2 of the Petition.

3. Applicant admits the allegation contained in paragraph 3 of the Petition.
4. Applicant lacks sufficient information to form a belief as to the truth of the allegations of paragraph 4 of the Petition, and on that basis denies these allegations.
5. Applicant admits that, according to records available through the United States Patent and Trademark Office's website, IceBay is the owner of Registration No. 4,692,429 for "Beads for handicraft work; Clown wigs; Embroidery; Hair pieces and wigs; Laces and embroidery; Ornamental novelty badges; Tape for fixing wigs; Wig caps; Wigs; Wigs, hairpieces, and add-in and add-on hair accessories constructed primarily of synthetic and/or human hair" in Class 26. Applicant lacks sufficient information on which to admit or deny the remaining allegations of paragraph 6 of the Petition, and on that basis denies these allegations.
6. Applicant lacks sufficient information to form a belief as to the truth of the allegations of paragraph 7 of the Petition, and on that basis denies these allegations.
7. Applicant lacks sufficient information to form a belief as to the truth of the allegations of paragraph 8 of the Petition, and on that basis denies these allegations.
8. Applicant lacks sufficient information to form a belief as to the truth of the allegations of paragraph 9 of the Petition, and on that basis denies these allegations.
9. Applicant denies the allegations of paragraph 10 of the Petition.
10. Applicant denies the allegations of paragraph 11 of the Petition.
11. Applicant denies the allegations of paragraph 12 of the Petition.
12. Applicant denies that the registration of its QIYUN.Z trademark will harm IceBay.

### **AFFIRMATIVE DEFENSES**

### **FIRST AFFIRMATIVE DEFENSE**

The Petition fails to state a claim against Applicant upon which relief can be granted.

### **SECOND AFFIRMATIVE DEFENSE**

The Petition fails, in whole or in part, under the doctrines of unclean hands, acquiescence, laches, and/or estoppel.

### **ADDITIONAL DEFENSES RESERVED**

Applicant reserves the right to raise additional defenses based upon information learned or obtained through additional investigation or discovery.

Respectfully submitted,

**Zhang Qiyun**

Dated: March 21, 2016

By its attorneys,

/s/ Matthew Saunders

Matthew Saunders

Saunders & Silverstein LLP

14 Cedar Street, Suite 224

Amesbury, MA 01913

P: 978-463-9100

F: 978-463-9109

E: msaunders@massiplaw.com

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 21, 2016, a true and complete copy of the foregoing Answer was served on Opposer's correspondent of record via First Class Mail, postage paid to:

Icebay International, LLC  
2885 152nd Ave NE  
Redmond, WA  
98052-5514

/s/ Matthew Saunders  
Matthew Saunders